

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF ATMOS ENERGY)
CORPORATION FOR AN ADJUSTMENT) CASE NO. 2013-00148
OF RATES AND TARIFF MODIFICATIONS)

ORDER

On November 18, 2013, the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention (“Attorney General”), filed Supplemental and Corrected Direct Testimony of Bion C. Ostrander (“Ostrander”).¹ Also on that date, Atmos Energy Corporation (“Atmos”) filed a Supplemental Response to the Attorney General’s First Data Request, Item 212.

On November 19, 2013, Atmos filed Rebuttal Testimony and Exhibits. On November 20, 2013, the Attorney General filed an Expedited Motion for an Extension of Time and a Continuance of Hearing and moved for an additional two weeks to review new information, and a corresponding continuance of the hearing previously set for December 3, 2013.

On November 21, 2013, the Attorney General filed a Supplement to his Motion for Extension of Time and Continuance of Hearing. Also on that date, Atmos filed a Response to the Attorney General’s Expedited Motion and Supplemental Motion for Extension of Time and Continuance and stated its opposition to the Attorney General’s request for a continuance of the hearing. Atmos argued that the Attorney General’s

¹ On November 20, 2013, the Attorney General filed an Affidavit of Bion Ostrander’s Supplemental and Corrected Testimony.

motion for a continuance of the hearing was not supported and that a continuance of the hearing for two weeks would be problematic for several of Atmos's witnesses' schedules. Atmos stated that if the Commission were to grant the Attorney General's motion for a continuance of the hearing, it should be continued until mid-January 2014. Atmos also filed a Motion to Strike the Supplemental and Corrected Direct Testimony of Ostrander and argued that it was not allowed by the procedural schedule established for this case and it was filed just hours before Atmos's rebuttal testimony was due to be filed, thus preventing Atmos from having any meaningful opportunity to address Mr. Ostrander's supplemental and corrected testimony.

On November 22, 2013, Atmos filed a Supplemental Response to the Attorney General's Expedited Motion and a Supplemental Response to the Attorney General's First Data Request, Item 86. The Attorney General filed a Reply to Atmos's Response to his Motion and Supplement for Extension of Time and Continuance and also filed a Response to Atmos's Motion to Strike the Supplemental and Corrected Testimony of Ostrander.

Having carefully considered the above motions and responses, the Commission finds that:

1. The hearing previously scheduled for Tuesday, December 3, 2013, at 10:00 a.m. Eastern Standard Time, should be convened on that date for the limited purpose of taking public comment, if any, and should thereafter be continued until Thursday, January 23, 2014.

2. The Attorney General should be granted the opportunity to file no later than December 18, 2013, additional supplemental testimony, if any, in verified form,

limited to issues arising from the special contracts filed by Atmos Energy on November 18, 2013.

3. Atmos Energy should be granted the opportunity to file no later than January 9, 2014, supplemental rebuttal testimony, if any, in verified form limited to issues arising from the Attorney General's Supplemental and Corrected Direct Testimony of Ostrander and any additional supplemental testimony filed by the Attorney General.

IT IS THEREFORE ORDERED that:

1. The hearing scheduled for Tuesday, December 3, 2013, at 10:00 a.m. Eastern Standard Time, shall be convened, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, for the limited purpose of taking public comment and shall thereafter be continued to Thursday, January 23, 2014, at 10:00 a.m. Eastern Standard Time.

2. The Attorney General shall file no later than December 18, 2013, additional supplemental testimony, if any, in verified form, limited to issues arising from the special contracts filed by Atmos Energy on November 18, 2013.

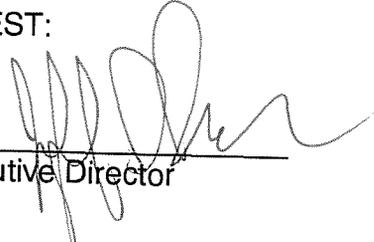
3. Atmos Energy shall file no later than January 9, 2014, supplemental rebuttal testimony, if any, in verified form, limited to issues arising from the Attorney General's Supplemental and Corrected Direct Testimony of Ostrander and any additional supplemental testimony filed by the Attorney General.

4. All other provisions of the Commission's Order of October 8, 2013, shall remain as stated.

By the Commission

ENTERED ¹⁷
NOV 27 2013
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2013-00148

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